

**RESPONSE UNDER 37 C.F.R. § 1.111**  
**U. S. Application No. 09/738,900**

**REMARKS**

In reply to the Response filed October 28, 2003, the Examiner removed the previous rejections of claims 1 and 3. The current status of the claims is as follows.

Claims 1-3 are pending in the application.

Claims 1 and 3 are rejected under 35 U.S.C. § 103(a) as being unpatentable over the admitted prior art FIG. 1 in view of newly-cited Tomita (US 5,086,437). Also, claims 1 and 3 are rejected under 35 U.S.C. § 103(a) as being unpatentable over the admitted prior art FIG. 1 in view of newly-cited Ward et al. (US 4,736,390).

Claim 2 is objected to as being dependent upon a rejected based claim, but would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims.

Tomita relates to an automatic gain control (AGC) device for use in a direct conversion receiver for receiving a receiver input signal which comprises bursts in predetermined time slots. An example of Tomita's device is shown in FIG. 2.

Ward et al. relates to a radio receiver employing a zero intermediate frequency (IF) design. In the Office Action, the Examiner refers to prior art FIG. 1 of Ward et al.

Applicant submits that the prior art fails to teach or suggest all of the limitations of the claims of the present invention. In particular, for the rejection of claims 1 and 3 over Applicant's admitted prior art FIG. 1 in view of Tomita, Applicant submits that Tomita does not disclose a detector for detecting a gain control level corresponding to the difference obtained by comparing the levels of the baseband signals of the two channels output by the filter with a predetermined level, as recited in claims 1 and 3. The Examiner concedes that Applicant's admitted prior art

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FIG. 1 does not disclose this feature of the claims, but asserts that Tomita discloses this feature. Specifically, the Examiner cites the level detectors 27 and 28 as allegedly corresponding to the claimed detector. However, Applicant submits that the level detectors 27 and 28 do not correspond to the claimed detector.

Each of claims 1 and 3 recite a detector for detecting a gain control level corresponding to the difference obtained by comparing the levels of the baseband signals of the two channels output by the filter with a predetermined level. However, the level detectors of Tomita do not obtain a difference by comparing the levels of the baseband signals of the two channels output by the filter. Tomita's level detectors do not compare the levels of the baseband signals. Rather, Tomita's detectors select either of two signals via a switching unit 33/34. Therefore, claims 1 and 3 are allowable over the Applicant's admitted prior art FIG. 1 in view of Tomita.

For the rejection of claims 1 and 3 over Applicant's admitted prior art FIG. 1 in view of Ward et al., Applicant submits that Ward et al. do not teach or suggest the claimed detector for detecting a gain control level corresponding to the difference obtained by comparing the levels of the baseband signals of the two channels output by the filter with a predetermined level. The Examiner admits that Applicant's admitted prior art FIG. 1 does not disclose the claimed detector, but asserts that Ward et al. disclose the detector. Applicant disagrees.

The Examiner points to the digital demodulator and AGC generator circuit 25 (FIG. 1) of Ward et al. as allegedly corresponding to the detector of claims 1 and 3. However, in reference to the digital demodulator and AGC generator circuit 25, Ward et al. simply discloses at col. 4, lines 17-24:

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*The outputs of the analog-to-digital converters are applied directly to a digital demodulator and AGC generator circuit 25 which produces AGC signals for amplifiers such as 21 and 22 as well as an AGC signal for the RF amplifier 12. The digital demodulator AGC generator 25 thereby has an output which essentially is the demodulated information impressed upon the original RF carrier.*

Thus, Ward et al. fails to disclose or suggest that its digital demodulator and AGC generator circuit 25 detects a gain control level corresponding to the difference obtained by comparing the levels of the baseband signals of the two channels output by the filter. Furthermore, the reference does not disclose that the baseband signals of the two channels output by the filter are output with a predetermined level. Thus, claims 1 and 3 are allowable over the combination of Applicant's admitted prior art FIG. 1 in view of Ward et al.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

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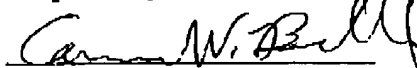
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Respectfully submitted,



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